

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER GODSON,  
on behalf of himself  
and all others similarly situated,  
  
Plaintiff,  
  
v.  
  
ELTMAN, ELTMAN & COOPER, P.C.,  
and LVNV FUNDING, LLC,  
  
Defendants.

## Declaration of Plaintiff's Attorney Kenneth R. Hiller in Support of Motion for Class Certification and Appointment as Class Counsel

Under 28 U.S.C. § 1746, I, Kenneth R. Hiller, do hereby declare under penalty of perjury, that the following is true and correct:

1. I am one of Plaintiff's attorneys and I am making this Declaration in support of Plaintiffs' Motion for Class Certification and for Appointment of Class Counsel. My credentials to act as class counsel are set forth below.

## Background and Qualifications

2. In 1980, I was graduated from Kent State University with a B.A. in Political Science.

3. In 1983, I was graduated from the State University of New York at Buffalo Law School with a J.D.

4. I was admitted to the New York State Bar (Appellate Division, Fourth Department) on February 17, 1984, and am a member in good standing of that bar.

5. I am a member in good standing of the following federal courts:

U.S. District Court for the Western District of New York  
March 9, 1990

U.S. District Court for the Northern District New York  
March 3, 1995

United States Court of Appeals for the Second Circuit  
July 6, 1994

6. I have also been admitted *pro hac vice* to the following courts:

U.S. District Court for the District of Nevada

7. From 1984 until 1985, I was employed by the law office of Jensen, Hall, Ricketts and Markey in East Aurora, New York.

8. From 1985 through 1987, I was employed by the Hyatt Legal Services in West Seneca, New York, and then in Rochester, New York.

9. From 1987 through 1988, I was employed by the law office of Gallo & Iacovangelo in Rochester, New York.

10. From 1988 through 1999, I was employed by the law office of Jeffrey Freedman Attorneys at Law in Buffalo, New York.

11. I began handling consumer bankruptcy cases in 1988 at Jeffrey Freedman Attorneys at Law. From 1988 through 1999, I handled thousands of bankruptcy cases in the United States Bankruptcy Court, Western District of New York.

12. In addition, I handled litigation against creditors who violated the bankruptcy automatic stay and discharge.

13. In connection with many of the bankruptcy cases, I tried student loan hardship discharge cases brought under 11 U.S.C. § 523(a)(8). Among the reported cases in this area in which I have been involved are the following:

*In re Lavoie*, 292 B.R. 504 (Bankr. W.D.N.Y. 2003)

*In re Goranson*, 183 B.R. 52 (Bankr. W.D.N.Y. 1995)

14. In 1996, I tried a Fair Debt Collection Practices Act (FDCPA) case that proceeded ultimately to a jury verdict. (*Victori v. Accelerated Bureau, et al.*, 96-cv-0263). I then began handling more FDCPA cases for consumers.

15. In August of 1999, I opened my own law office in August of 1999.

16. Since 2005, my firm has handled approximately 800 cases on behalf consumers in the Western District of New York. The vast majority of those cases arose under the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and the Fair Credit Reporting Act.

17. My firm employs two associates, who also work on consumer protection litigation.

18. In addition to my consumer practice, I handle a large volume of Social Security Disability claims. I have handled well over 100 district court actions in that field, and have taken appeals in approximately 8 cases to the Court of Appeals for the Second Circuit.

19. I am a member of the following professional organizations:

Erie County Bar Association  
National Association of Consumer Advocates  
National Organization of Social Security Claimants  
Representatives  
National Employment Lawyers Association

20. I am experienced in trial and appellate court litigation and have the following reported cases, among others:

*Clayson v. Rubin & Rothman, LLC*, 2010 WL 4628516  
(W.D.N.Y. Nov. 16, 2010)

*Starkey v. Firstsource Advantage, LLC*, 2010 WL 2541731  
(W.D.N.Y. June 21, 2010)

*Strom v. National Enterprise Systems, Inc.*, 2010 WL 1533383  
(W.D.N.Y. April 15, 2010)

*Strom v. National Enterprise Systems, Inc.*, 2011 WL 1233118  
(W.D.N.Y. 2011).

*Folts v. Eastern Asset Management, LLC*, 2010 WL 1292498  
(W.D.N.Y. March 29, 2010)

*Annis v. Eastern Asset Management, LLC*, 2010 WL 1035273  
(W.D.N.Y. March 18, 2010)

*Krapf v. Collectors Training Institute of Illinois, Inc.*, 2010 WL 584020 (W.D.N.Y. February 16, 2010)

*Clayson v. Rubin & Rothman, LLC*, 2010 WL 547476 (W.D.N.Y. February 11, 2010)

*Graffeo v. Revenue Assistance Corp.*, (W.D.N.Y. February 10, 2010)

*Mostiller v. Chase Asset Recovery Corp.*, (W.D.N.Y. January 22, 2010)

*McMahon v. Credex America, Inc.* 2009 WL 5171888 (W.D.N.Y. 2009)

*Bates v. I.C. System, Inc.*, 2009 WL 3459730 (W.D.N.Y. 2009)

*Elder v. Gold.*, 2009 WL 3333234 (W.D.N.Y. 2009)

*Raydos v. Cohen & Slamowitz, LLP*, 2009 WL 2929166  
(W.D.N.Y. 2009)

*Miller v. Midpoint Resolution Group, LLC*, 608 F.Supp.2d 389  
(W.D.N.Y. 2009)

*Berry v. National Financial Systems, Inc.*, 2009 WL 2843260  
(W.D.N.Y. 2009)

*Herman v. National Enterprise Systems, Inc.*, 2009 WL 1874197  
(W.D.N.Y. 2009)

*Herman v. National Enterprise Systems, Inc.*, 2009 WL 1874202  
(W.D.N.Y. 2009)

*Fentner v. Tempest Recovery Services, Inc.*, 2008 WL 4147346  
(W.D.N.Y. 2008)

*Spencer v. Arizona Premium Finance Co., Inc.*, 2008 WL  
5432234 (W.D.N.Y. 2008)

*Burchalweski v. Wolpoff & Abramson, LLP*, 2008 WL 4238933  
(W.D.N.Y. 2008)

*Russell v. Hartweg*, 2008 WL 2157122 (W.D.N.Y. 2008)

*DeGeorge v. LTD Financial Services, L.P.*, 2008 WL 9059913  
(W.D.N.Y. 2008)

*Wegrzyn v. Vital Recovery Services, Inc.*, 2007 WL 4867584  
(W.D.N.Y. 2007)

*Stover v. Northland Group, Inc.*, 2007 WL 2580490 (W.D.N.Y.  
2007)

*Goodrich v. WFS Financial, Inc.*, 2008 WL 607390 (N.D.N.Y.  
2007)

*Sweeney v. D.C. Credit Services, Inc.*, 2007 WL 981919  
(W.D.N.Y. 2007)

*Prewitt v. Wolpoff & Abramson, LLP*, 2007 WL 841778  
(W.D.N.Y. 2007)

*Harrison v. Federal Pacific Credit Co., LLC*, 2006 WL 276605  
(W.D.N.Y. 2007)

*Trapper v. Credit Collection Services, Inc.* 2011 WL 5080304  
(W.D.N.Y.2011)

*Basile v. I.C. System, Inc.*, 2011 WL 4368510 (W.D.N.Y.2011)

*Moltz v. Firstsource Advantage, LLC*, 2011 WL 3360010  
(W.D.N.Y.2011)

*Balk v. Feuerstein & Smith, LLP*, 2011 WL 1557948  
(W.D.N.Y.2011)

21. I have attended multiple class action litigation workshops at consumer law seminars.

22. I have no conflicts of interest in representing this class. My practice involves the representation of individuals only in consumer, social security, employment matters and in cases brought under 42 U.S.C. § 1983. I do not represent any business interests.

23. I do not have any other cases pending against either Defendant.

Dated: Amherst, New York  
March 27, 2012

/s/ Kenneth R. Hiller  
Kenneth R. Hiller